

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amper, S.A., Transferor	)	IB Docket No. 16-420
	)	
and	)	File No. ITC-T/C-20161220-00377
Amalgamated Telecom Holdings Limited,	)	SCL-T/C-20161220-00026
Transferee	)	
	)	ULS File No. 0007584554
Application for Consent to Transfer	)	
Control	)	
of the Cable Landing License for the	)	
American Samoa-Hawaii Cable System	)	

**PETITION TO ADOPT CONDITIONS TO  
AUTHORIZATIONS AND LICENSES**

The U.S. Department of Justice (“DOJ”), with the concurrence of the U.S. Department of Homeland Security (“DHS”) and the U.S. Department of Defense (“DOD”, and, with DOJ and DHS, the “Agencies”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.<sup>1</sup> Through this Petition, DOJ advises the Commission that the Agencies have no objection to the Commission approving the authority sought in the above-referenced proceedings, provided that the Commission removes an existing condition on the authorizations and licenses related to File Number SCL-T/C-20161220-00026 and subsequently conditions its approval, with respect to all of the above-referenced authorizations and licenses, on the commitment of Amalgamated Telecom Holdings Limited (“ATH”) to abide by the undertakings set forth in the November 12, 2018, Letter of Assurances (“November 2018 LOA”) and the November 12, 2018, Letter of Commitments (“LOC”), attached hereto as Attachments A and B.

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<sup>1</sup> 47 C.F.R. § 1.41.

Also attached as Attachment C is a Termination Agreement irrevocably terminating an earlier agreement executed in relation to File Number SCL-T/C-20161220-00026 that is no longer necessary as a condition on that license.<sup>2</sup>

The above-referenced proceedings involve applications seeking Commission approval to transfer control of: Section 214 authority (File Number ITC-T/C-20161220-00377) and a fiber optic submarine cable system connecting the United States, American Samoa, and Independent Samoa (File No. SCL-LIC-20080814-00016).

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of ATH, Amper S.A., and several entities owned or controlled by Amper (American Samoa Hawaii Cable, LLC, Samoa American Samoa Cable, LLC, American Samoa License, Inc., and AST Telecom, LLC d/b/a Blue Sky Communications) in connection with the above-referenced proceedings, the Agencies have concluded that the commitments set forth in the November 2018 LOA and 2018 LOC will help ensure that those agencies with responsibility for enforcing the law, protecting the national security, and

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<sup>2</sup> On May 25, 2018, DHS filed a petition with the Commission advising that the Agencies had no objection to the Commission granting any pending applications in relation to File Number SCL-T/C-20161220-00026 so long as the Commission: (a) removed any existing conditions on the related authorizations and licenses; and (b) subsequently conditioned such grant on compliance by ATH and its successors with a May 7, 2018, Letter of Assurances (“May LOA”). In relation to the request to remove any existing conditions, DHS also filed an executed Termination Agreement that irrevocably terminated DHS’s and DOJ’s rights with respect to a 2009 national security agreement (“2009 NSA”). Subsequent to DHS’s May 25, 2018, petition, the Agencies identified certain additional national security, law enforcement, and/or public safety concerns that are now resolved with ATH pursuant to the November 2018 LOA. The November 2018 LOA entirely supersedes and replaces the May LOA sent to DHS, and thus this Petition supersedes DHS’s May 25, 2018, (now moot) petition.

preserving public safety can proceed appropriately to satisfy those responsibilities. The Agencies have also determined that the 2009 NSA, currently a condition on the authorizations and licenses issued in relation to File Number SCL-T/C-20161220-00026, can and should be terminated and removed as a condition on the underlying cable landing authorization.

Accordingly, DOJ, with the concurrence of DHS and DOD, advises the Commission that the Agencies have no objection to the Commission granting the applications in the above-referenced proceedings provided that the Commission removes any existing conditions on the related authorizations and licenses with respect to the 2009 NSA and subsequently conditions consent on compliance by ATH and its successors with the 2018 LOA and the 2018 LOC.

Respectfully submitted,

LOYAAN A. EGAL  
Deputy Chief, Foreign Investment Review Staff  
National Security Division  
United States Department of Justice



Kristin Taylor  
Attorney  
National Security Division  
U.S. Department of Justice